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EDWARD BENNETT WILLIAMS (1920-1988)
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December 30, 2020

Via ECF

The Honorable Denise L. Cote
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007

**Re: *James Owens, et al., v. Turkiye Halk Bankasi A.S., a/k/a “Halkbank”,*
No. 20cv02648**

Dear Judge Cote:

We represent Defendant Turkiye Halk Bankasi A.S. (“Halkbank”) in the above-referenced case. Plaintiffs’ letter of December 28, 2020, restates that they agree oral argument would be appropriate on Defendant’s motion to dismiss. *See* ECF No. 74; ECF No. 73 (Halkbank’s letter motion, noting Plaintiffs’ agreement in request for oral argument).

Plaintiffs further state in their letter that they “object” to Halkbank’s submission of supplemental declarations in support of its reply memorandum, although they add that they will be prepared to address the declarations at oral argument. ECF No. 74. There is nothing improper or unusual about filing declarations to address new arguments or information presented in an opposition brief, including declarations that provide the court with previously undisclosed information that speaks to an opposing declarant’s objectivity and candor. The supplemental declarations serve those purposes, as explained in Halkbank’s reply brief. ECF No. 69 at 10 & nn.6–8.

Halkbank also wishes to update the Court on a procedural matter discussed in the motion to dismiss briefing. In its reply brief, Halkbank noted that it had filed an interlocutory appeal from the decision of another district court that had denied the bank’s motion to dismiss the criminal indictment on sovereign-immunity grounds. ECF No. 69 at 5 n.4. On December 23, in the order that Plaintiffs’ letter references, the Second Circuit granted Halkbank’s motion to stay the district court proceedings in the criminal case pending Halkbank’s interlocutory appeal, and

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ordered expedited briefing. *United States v. Zarrab*, No. 20-3499, 2d Cir. ECF No. 49.¹ In a separate order, the Second Circuit set a schedule under which briefing will be completed by March 17, 2021. *Zarrab*, No. 20-3499, 2d Cir. ECF No. 50. Halkbank maintains its position that the district court's decision in the criminal case has limited relevance here. *See* ECF No. 69 at 1, 5 & n.4. Nevertheless, Halkbank provides this information because it was not available when the reply brief was filed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John S. Williams", with a stylized flourish at the end.

John S. Williams

cc: All Counsel of Record

¹ The Second Circuit issued a single order in two appeals initiated by Halkbank: one is the interlocutory appeal which sought review of the district court's denial of a motion to dismiss on sovereign-immunity grounds; the other is a mandamus petition which sought review of the district court's denial of the bank's motion to recuse. The Second Circuit denied the mandamus petition. We have used the caption for the interlocutory appeal given the portion of the order to which we refer.